

HOW TO DETERMINE WHETHER AN ACTIVITY IS AN INTERSCHOLASTIC ATHLETIC PROGRAM UNDER STATE LAW

General Minnesota Provision:

Minnesota Statute § 121A.04, Subd.2 provides:

"Each educational institution or public service shall provide equal opportunity for members of both sexes to participate in its athletic program."

State Implementing Regulations:

Minnesota Rule 3535.3000, subp. 3 provides:

"Interscholastic athletic program" means all athletic activities offered within a school the purpose of which is to provide opportunities for students to compete with other students on like teams in other schools within an organized conference under the auspices of the Minnesota state high school league or with other like teams in other schools operating under separate jurisdiction."

Minnesota Rule 3535.3600 provides:

"Annually, on or before October 15, each school/school district shall submit to the commissioner of education an elementary and secondary athletic program report containing information about both intramural and interscholastic athletics provided. The report shall contain by building: number of sports offered for each sex, the number of weeks each sport is offered, the number of teams in each sport, the number of coaches assigned each sport, the number of students by sex participating in each sport, the dollar expenditure per sport, the total unduplicated count of student participation in the intramural program by sex, and the total unduplicated count of student participation in interscholastic programs by sex."

Minnesota Rule 3525.3700 provides:

"Upon receipt of an educational institution's athletic program report, the commissioner of education shall evaluate the data contained in the report and forward reports requiring additional attention to the commissioner of human rights, pursuant to Minnesota Statutes, section [127A.42, subdivision 3]."